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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,068	11/20/2000	Bryan A. Slavin	31333-164218	8870

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EXAMINER	
WINDER, PATRICE L	

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/715,068	SLAVIN, BRYAN A.	
	Examiner	Art Unit	
	Patrice Winder	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *July 9, 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-26 and 28-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-26 and 28-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 July 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. *01/06/2005*.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code 102(e) not included in this action can be found in a prior Office action.

2. Claims 2-4, 6-9, 11, 13-20, 22-25, 33, 36 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Wood et al., USPN 6,091,808 (hereafter referred to as Wood).

3. Regarding dependent claim 2, Wood taught the computer system comprising:

an application server to interact with the telephone of the user and to provide said at least one telephone feature for the telephone (column 3, line 23, column 5, lines 16-21); and

a network server layer to interact with the application server, to interact via the network with the computer of the user, and to provide via the network the graphical user interface to the computer, the graphical user interface to operate said at least one telephone feature for the telephone of the user via the network, the network service layer, and the application server (column 4, lines 32-36, 49-52, column 4, line 64-column 5, line 15).

4. Regarding dependent claim 3, Wood taught the network server layer prompts the computer from the network server layer an update of a call state of the telephone (column 7, lines 5-9).

5. Regarding dependent claim 4, Wood taught the network server layer provides to the graphical user interface an update of a call state of the telephone (column 7, lines 5-9).

6. Regarding dependent claim 6, Wood taught the network server layer updates the graphical user interface on the computer for a call on the telephone transitioning from one state to another state (column 7, lines 17-23).

7. Regarding dependent claim 7, Wood taught the network server layer provides to the graphical user interface an update of accessibility of at least one telephone feature (error = lack of accessibility, column 7, lines 5-9).

8. Regarding dependent claim 8, Wood taught the network server layer interacts via the network with the computer using a client push protocol (column 4, lines 32-36) and the network server layer interacts with the application server using a call client protocol (column 4, lines 36-39).

9. Regarding claim 9, Wood taught a computer system to provide at least one telephone feature to a telephone of a user (abstract), the computer system receiving instructions regarding said at least one telephone feature via network from a graphical user interface operating on a computer of the user (column 2, lines 31-35, column 4, lines 32-36), wherein the network comprises a bi-directional layer to communicate between the computer system and the computer (column 4, lines 32-36) and uni-directional layer to communicate from the computer system to the computer (column 7, lines 5-9).

10. Regarding dependent claim 11, Wood taught the network server layer synchronizes a call state of the telephone of the user with a representation of the call state for the graphical user interface (column 7, lines 5-9).

11. Regarding dependent claim 13, Wood taught said at least one telephone feature comprises at least one of: a dial number feature; an answer/talk feature; a hold feature; a release feature; and a conferencing feature (column 6, lines 56-57, column 7, lines 23-26).

12. Regarding dependent claim 14, Wood taught the graphical user interface operates in conjunction with a network browser of the computer (column 3, lines 50-55).

13. Regarding dependent claim 15, Wood taught the graphical user interface comprises an area to display updateable configurable information relevant to the user (column 5, lines 54-61).

14. Regarding dependent claim 16, Wood taught the graphical user interface comprises a web portal (column 5, lines 3-7, 37-39).

15. Regarding dependent claim 17, Wood taught the graphical user interface comprises an area to display a message from a personalized information provider (column 6, lines 18-21).

16. Regarding dependent claim 18, Wood taught the graphical user interface comprises a first icon to access a network site of an organization and a second icon to dial a telephone number of the organization using at least one of the telephone features (column 9, lines 3-14).

17. Regarding dependent claim 19, Wood taught the telephone of the user is unknown to the computer system prior to the computer receiving the graphical user interface from the computer system (registration before use, column 6, lines 1-6).

18. Regarding dependent claims 20, 22-23, Wood taught the telephone is a: mobile telephone (column 3, lines 44-45), a direct dial-in telephone (column 3, lines 33-34), a single telephone (column 3, lines 33-34), respectively.

19. Regarding dependent claim 24, Wood taught the computer system further provides at least one telephone feature to another telephone of the user (call forwarding, column 7, lines 17-23), the computer system further receiving instruction regarding said at least one telephone feature for said another telephone via the network from the computer of the user (column 7, lines 17-23).

20. Regarding dependent claim 25, Wood taught the computer system receives instructions from the graphical user interface regarding said telephone and said another telephone (column 7, lines 14-23).

21. Regarding claim 33, Wood taught a system comprising:

means for providing a graphical user interface via a network to a computer of a user (column 4, lines 32-36), wherein the network comprises a bi-directional layer to communicate between the computer system and the computer (column 4, lines 32-36) and uni-directional layer to communicate from the computer system to the computer (column 7, lines 5-9);

means for controlling a telephone of the user according to input received from the graphical user interface on the computer of the user (column 2, lines 31-35, column 4, lines 32-36); and

22. means for updating the graphical user interface on the computer of the user via the network (column 7, lines 5-9).

23. Regarding dependent claim 36, Wood taught a method further comprising the step of synchronizing a call state of the telephone of the user with a representation of the call state for the graphical user interface (column 6, lines 5-9).

24. Regarding dependent claim 38, Wood taught the graphical user interface presents to the user only features to which the user subscribes (column 4, lines 32-36, column 10, lines 1-6).

Claim Rejections - 35 USC § 103

25. The text of those sections of Title 35, U.S. Code 103 not included in this action can be found in a prior Office action.

26. Claims 5, 12, 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood in view of Schnarel et al., USPN 6,389,124 B1 (hereafter referred to as Schnarel).

27. Regarding dependent claim 5, Wood taught the network server layer updates the graphical user interface on the computer to represent state (column 7, lines 5-9) Wood does not specifically teach the specifics of call state. However, Schnarel taught call states including an idle call state when no calls are present on the telephone and a non-

idle state when at least one call is present on the telephone (column 4, lines 34-47). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Schnarel's call state's in Wood's system for controlling a telephone would have improved system effectiveness. The motivation would have been to provide a more comprehensive display of telephone line state.

28. Regarding dependent claim 12, Wood does not specifically teach said at least one telephone feature comprises a multiple-line telephone feature. However, Schnarel taught said at least one telephone feature comprises a multiple-line telephone feature (column 4, lines 55-60, column 5, lines 55-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Schnarel's multiple-line telephone feature in Wood's system for controlling a telephone would have enhanced system flexibility. The motivation would have been to extend the benefits of Wood's system to more complex telephones.

29. Regarding dependent claim 21, Wood does not specifically teach the telephone is a public pay telephone. However, Schnarel taught the telephone is a public pay telephone (any telephone connected to a telephone network, column 4, lines 12-16). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Schnarel's any telephone device in Wood's system for controlling a telephone would have enhanced system flexibility. The motivation would have been to expand the applicability of Wood's system.

30. Regarding dependent claim 26, Wood taught the instructions received from the graphical user interface correspond to said telephone, and wherein the computer

system receives additional instruction regarding said at least one telephone feature via the network operating on the computer of the user, said additional instructions correspond to said another telephone (column 7, lines 14-23). Wood does not specifically teach receiving instructions from another graphical user interface. However, Schnarel taught receiving instructions from another graphical user interface (column 4, lines 55-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Schnarel's another graphical user interface in Wood's system for controlling a telephone would have enhanced system flexibility. The motivation would have been to improve Wood's management of another telephone by providing a consistent interface for each device being managed.

31. Claims 10, 28-32, 34-35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood in view of Haserodt, USPN 6,031,836 (hereafter referred to as Haserodt).

32. Regarding dependent claim 10, Wood taught the computer system communicates with the computer via the network through a web server and web browser (column 4, lines 32-36). Wood does not specifically teach using two transmission control protocol/Internet protocol (TCP/IP) sockets. However, Haserodt taught communication between a web server and a web browser using TCP/IP protocol connection as a standard, i.e. those connections are formed through a socket pair (column 3, lines 14-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Haserodt's TCP/IP connections in

Wood's system for controlling a telephone would have been improved system openness. The motivation would have been because TCP/IP is a standard.

33. Regarding claim 28, Wood taught a method comprising the steps of:

providing a graphical user interface via a network to a computer of a user (column 4, lines 32-36);

controlling a telephone of the user according to input received from the graphical user interface on the computer of the user (column 2, lines 31-35, column 4, lines 32-36); and

updating the graphical user interface on the computer of the user via the network (column 7, lines 5-9).

receiving a call information regarding the telephone (column 6, lines 56-62);

sending a refresh request to the graphical user interface to prompt a request for an update on the state of the telephone (notification of state change, column 5, lines 3-7, column 7, lines 5-9); and

receiving the update on the state of the telephone as desired (displaying, column 7, lines 5-9). Wood does not specifically teach receiving an update request. However, Haserodt taught receiving a request from the graphical user interface for selecting a telephony feature (column 2, lines 39-49). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Haserodt's requesting a web page in Wood's system for controlling a telephone because doing so would have improved system openness. The motivation would have been to have the system comply with the WWW standards by utilizing request/response handshaking.

34. Regarding dependent claim 29, Wood taught the call information pertains to one of an incoming call for the telephone and an outgoing call for the telephone (column 6, lines 56-67).

35. Regarding dependent claim 30, Wood taught a method further comprising the step of synchronizing a call state of the telephone of the user with a representation of the call state for the graphical user interface (column 6, lines 5-9).

36. Regarding dependent claim 31, Wood taught a computer system for performing the method of claim 28 (column 3, lines 20-28, column 4, lines 1-11).

37. Regarding dependent claim 32, Wood taught a computer-readable medium comprising software for performing the method of claim 28 (column 2, lines 31-35, column 4, lines 1-11).

38. Regarding dependent claim 34, Wood taught a system further comprising:

means for receiving a call information regarding the telephone (column 6, lines 56-62);

means for sending a refresh request to the graphical user interface to prompt a request for an update on the state of the telephone (notification of state change, column 5, lines 3-7, column 7, lines 5-9); and

means for receiving the update on the state of the telephone as desired (displaying, column 7, lines 5-9). Wood does not specifically teach receiving an update request. However, Haserodt taught receiving a request from the graphical user interface for selecting a telephony feature (column 2, lines 39-49). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating

Haserodt's requesting a web page in Wood's system for controlling a telephone because doing so would have improved system openness. The motivation would have been to have the system comply with the WWW standards by utilizing request/response handshaking.

39. Regarding dependent claim 35, Wood taught the call information pertains to one of an incoming call for the telephone and an outgoing call for the telephone (column 6, lines 56-67).

40. Regarding dependent claim 37, Wood taught the graphical user interface presents to the user only features to which the user subscribes (column 4, lines 32-36, column 10, lines 1-6).

Response to Arguments

41. Applicant's arguments filed July 9, 2004 have been fully considered but they are not persuasive.

Applicant argues – "Col. 4, lines 32-36, describes a subscriber interface that permits the subscriber to manage at least some telephone functions. Col. 7, lines 5-9, discusses that error and/or status messages can be communicated and displayed on a web page. However, neither one of these passages discusses the use of different layers for communication."

a. Column 4, lines 32-36 clearly teaches bi-directional communication because of the bi-directional communication between the subscriber and a web facility 22. The communication takes place over network path 18 which operates

according to an Internet protocol, such as HTTP. Using HTTP forms a particular layer in network communications. Column 7, lines 5-9 clearly teaches uni-directional communication along a path between the switch and the web page manager. This uni-directional communication is according to a particular switch communications protocol. This different protocol forms a different network layer (column 4, lines 4-11).

Applicant argues – "Applicant fails to understand how this teaches anything about sending refresh requests to a graphical user interface to request update (i.e. to prompt request for an update) as claimed."

b. First the corresponding passage was cited with another passage and the teaching being used from Wood should consider both cited passages. At least col. 5, lines 3-7, teaches call management web pages which are provided in a known manner. Web pages that are provided in a known manner include a refresh button for "prompting the user to refresh" the page being viewed.

Applicant argues – "It does not teach that a graphical user interface sends an update request to receive an update on the state of the telephone, as claimed."

c. Again the corresponding passage was cited with another passage and the teaching being used from Wood should consider both cited passages. At least col. 7, lines 5-9 teaches that error/status information available as communicated by the telephone switch. This error/status information is then displayed on the web page as desired. As the error/status information changes the information

displayed on the web page changes, i.e. refreshing the web pages, as desired.

The "as desired" aspect to the display of update information is the "prompt".

Applicant argues - "While this may teach requesting display of a web page, it fails to remedy the deficiencies of Wood et al., as discussed above."

d. Haserodt taught requesting particular telephony features or information on the particular features at column 2, lines 39-49. Incorporating Haserodt's requesting when prompted provides evidence of what is meant by displaying when desired.

Applicant argues – "Applicant is unable to find any teaching in Wood et al. ... of the use of a client push protocol and a call client protocol for respective types of communication, as claimed.

e. "Client push protocol" and "call client protocol" are claimed with respect to the functionalities as defined by applicants claim language. The passages provide equivalent functionalities as the claim language.

f. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., particular meaning to "client push protocol" and "call client protocol") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues – "As discussed in the specification at page 22, lines 22-23, a web portal provides a particular functionality. Such functionality is nowhere discussed in Wood et al., (either in the cited portions or elsewhere)."

g. The areas of the specification pointed to by applicant provide a "suggestion" of what a web portal should provide not a definition, see the "for example" language. Regardless, Wood provides the "functionality" of access to e-mail, see column 7, lines 34-45. Please note this is one of the example functionalities which applicant specifically suggests is a feature of a web portal.

Applicant argues – "Claim 18 requires two icons, one that takes the user to a particular organizations web site and another that dials that same organizations telephone number. In col. 9, lines 3-14, one goes to a web site of one organization ... and uses it to obtain a phone number for a different organization."

h. The claim language recites "a telephone number" of the organization in question. In this case, the organization is a national directory organization. Any telephone number that the user can look-up in the corresponding directory of the organization is "a telephone number". Contrary to applicant's arguments, the present claim language does not require a particular correspondence between the organization and the telephone number.

Application argues – "This passage in Schnarel et al., is directed to the use of one of more "call slips" corresponding to one or more telephone lines. However, there is no indication that these correspond to more than one telephone."

i. Schnarel is relied on to teach another graphical user interface, not another telephone. Wood taught the additional instruction correspond to another telephone, column 7, lines 14-23. Schnarel is combined to provide evidence of another graphical user interface for a telephone that is capable of communicating with first telephone. Schnarel's advantage being that useful line management and call control features are exposed in a single user interface element (column 4, lines 32-33).

41. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 571-272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patrice Winder
Primary Examiner
Art Unit 2145

January 6, 2005